

HOUSE BILL 3633

By Floyd

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 4, Part 2 and Title 57, Chapter 5, Part 1, relative to providing for the suspension or revocation of a beer permit or license upon the suspension or revocation of an alcoholic beverage license or permit and to provide for the suspension or revocation of an alcoholic beverage license or permit upon the suspension or revocation of a beer permit or license.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-4-202, is amended by deleting the language set forth in that section and by substituting the following language in lieu thereof:

(a) The commission shall have authority to revoke or suspend any license or permit granted herein for the violations of the provisions of any applicable provision of this chapter, and any person aggrieved by the action of this commission in revoking or suspending a license or permit, or in refusing to grant a license or permit, may have such action reviewed as provided by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Upon the alcohol beverage commission's order to revoke or suspend any license or permit as provided by this section becoming final, local or municipal beer boards responsible for controlling the sale of beer are authorized, in the case of a suspension, to suspend the establishment's authority to sell beer or malt beverage for the same period of time, or, in the case of a revocation, to revoke the establishment's authority to sell beer or malt beverage. The commission shall notify the local or municipal beer board of the action taken by the commission. Any action by a local or municipal beer board responsible for controlling the sale of beer to revoke or suspend a license or permit pursuant to

this subsection may be reviewed as provided for by § 57-5-108. The provisions of this subsection shall apply to counties with populations of more than one hundred fifty thousand (150,000) according to the 2010 federal census or any subsequent federal census.

(c) When local or municipal beer board responsible for controlling the sale of beer finds violations, as defined in this chapter, in the sale of beer or malt beverages consumed on-premises that result in the suspension of operation for specified periods of time, such beer or malt beverage sale suspension may also include suspension of such establishment's authority to sell alcoholic beverages for the same period of time, and the local or municipal beer board shall serve notice of the alcohol beverage suspension upon the alcoholic beverage commission, which shall review that suspension within thirty (30) days of receipt of such notice, and render a decision affirming or reversing such suspension. Such decision shall be final, and any party aggrieved thereby may appeal the decision as provided by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Failure of the alcoholic beverage commission to act within thirty (30) days shall be construed as an affirmation of such suspension. The provisions of this subsection shall not apply to counties with a metropolitan form of government.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.